

UNITED STATES DISTRICT
COURT DISTRICT OF ARIZONA

IN RE: BARD IVC FILTER
PRODUCTS LIABILITY LITIGATION

MDL NO. 2641

JUDGE DAVID G. CAMPBELL

This Document Relates to:

VIRGIL WRIGHT v. C.R. BARD, INC. & BARD PERIPHERAL VASCULAR, INC.
Civil Action No. 2:19-cv-00126-DGC

**MOTION TO SUBSTITUTE PARTY AND AMEND SHORT
FORM COMPLAINT**

Counsel for Plaintiffs Virgil Wright and Christine Wright respectfully move this court to substitute Christine Wright, the surviving spouse, as the Personal Representative for the Estate of Virgil Wright, Deceased, pursuant to Rule 25(a)(1) of the Federal Rules of Civil Procedure, and to file an Amended Short Form Complaint pursuant to Federal Rule of Civil Procedure 15(a)(2).

1. Plaintiff Virgil Wright's case was filed on or about **January 9, 2019**;
WRIGHT v. C.R. BARD, INC., et al.; Cause No. 2:19-cv-00126-DGC.
2. All active Defendants have been served with process pursuant to Second Amended Case Management Order No. 4 (CMO 4).
 - a. On or about January 10, 2019, Defendant C.R. Bard, Inc., was served by the Court's electronic filing system with the Complaint and Request for waiver of service.
 - b. On or about January 10, 2019, Defendants Bard Peripheral Vascular Inc., was served by the Court's electronic filing system with the Complaint and

Request for waiver of service.

3. On or about **April 15, 2019** Plaintiffs' counsel was informed that Virgil Wright passed away on or **about April 14, 2019**.

4. Virgil Wright action against Defendants survives his death and is not extinguished.

5. Plaintiffs' counsel filed the Notice and Suggestion of Death on or about August 9, 2019 [Doc. 19879].

6. On or about April 14, 2019, City of Pompano Beach, FL, named Christine Wright as the informant of decedent the Personal Representative for the Estate of Virgil Wright

7. Plaintiff thus moves to substitute Christine Wright, as Personal Representative for the Estate of Virgil Wright, Deceased, as Plaintiff in the present action.

8. Additionally, Counsel seeks to amend the Complaint, as well as the caption of the Complaint to correct the proper Plaintiffs (specifically Christine Wright, as Personal Representative for the Estate of Virgil Wright, Deceased) and to update and include information, allegations and actions within the Complaint to reflect that Plaintiff Virgil Wright is now deceased.

9. Pursuant to Federal Rules of Civil Procedure 15(a)(2) a party may amend its pleading only with the opposing party's written consent or the court's leave. The court should freely give leave when justice so requires.

WHEREFORE, Counsel for Plaintiffs, Virgil Wright and Christine Wright, respectfully request the Court grant Plaintiffs' Motion to Substitute Christine Wright as Personal Representative for the Estate of Virgil Wright, Deceased, and to grant leave to file the Amended Complaint and directing the Clerk of the Court to enter the Amended Complaint, attached hereto, into the record of this matter.

Dated: August 9, 2019

Respectfully submitted,

/s/ Matthew McCarley

Matthew R. McCarley

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Attorneys for the Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on August 9, 2019, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the CM/ECF participants registered to receive service in this MDL.

Dated: August 9, 2019

Respectfully submitted,

/s/ Matthew McCarley

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